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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,079	03/30/2004	Jen-Yuan Huang	SUND 505	3013
23995	7590	06/15/2005	EXAMINER	
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			CHAU, COREY P	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/812,079	HUANG, JEN-YUAN	
	Examiner	Art Unit	
	Corey P. Chau	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 6-11, 13, 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 20040076302 to Christoph.

3. Regarding Claim 1, Christoph discloses an electronic device connected to at least one fan (page 1, paragraph 0001-0002; page 3; paragraph 0042), which produces a plurality of noises and at least one signal during its operation (page 1, paragraph 0001-0002; page 3; paragraph 0042), the electronic device comprising: a signal detection unit (6,11,19,20,21,26) for detecting the at least one signal produced by the at least one fan (page 1, paragraph 0001-0002; page 3; paragraph 0042); and a control processing unit for making a judgment according to the at least one signal and controlling playing of music accordingly (abstract; page 1, paragraph 0001-0002; page 2, paragraph 0025; page 3; paragraph 0042).

4. Regarding Claim 3, Christoph discloses the at least one signal is a pulse or a square wave signal of the at least one fan (page 1, paragraph 0001-0002; page 3; paragraph 0042).

5. Regarding Claim 6, Christoph discloses the control processing unit stores at least one program (page 2; paragraph 0025; page 4, paragraphs 0052-0053).
6. Regarding Claim 7, Christoph discloses the at least one program defines at least one default interval, which has at least one limit value (page 3; paragraph 0016; page 5, paragraph 0060).
7. Regarding Claim 8, Christoph discloses the control processing unit compares the at least one signal with the at least one limit value to judge whether or not a value of the at least one signal falls within the at least one default interval (page 4, paragraphs 0048-0050; page 5, paragraph 0060).
8. Regarding Claim 9, Christoph discloses the at least one program defines the music corresponding to the at least one default interval (page 4, paragraphs 0048-0050; page 5, paragraph 0060).
9. Regarding Claim 10, Christoph discloses the at least one program defines a playing speed or a playing volume for the music corresponding to the at least one default interval (abstract; page 1, paragraph 0001-0002; page 2, paragraph 0025; page 3; paragraph 0042).
10. Claim 11 is essentially similar to Claim 1 and is rejected for the reasons stated above apropos to Claim 1.
11. Claim 13 is essentially similar to Claim 3 and is rejected for the reasons stated above apropos to Claim 3.
12. Claim 16 is essentially similar to Claim 6 and is rejected for the reasons stated above apropos to Claim 6.

13. Claim 17 is essentially similar to Claim 7 and is rejected for the reasons stated above apropos to Claim 7.
14. Claim 18 is essentially similar to Claim 8 and is rejected for the reasons stated above apropos to Claim 8.
15. Claim 19 is essentially similar to Claim 9 and is rejected for the reasons stated above apropos to Claim 9.
16. Claim 20 is essentially similar to Claim 10 and is rejected for the reasons stated above apropos to Claim 10.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 20040076302 to Christoph in view of U.S. Patent Application Publication No. 2003/0219131 to Akiho.
19. Regarding Claim 2, Christoph discloses noise detector can evaluate the noise in at least two different spectral regions and then produce the corresponding control signals, but only generally; no specific hardware or software was taught. Therefore it would have been obvious to one having ordinary skill in the art to seek known methods to evaluate the noise in at least two different spectral regions. Akiho for example

Art Unit: 2644

discloses a frequency counter that produces a count rate that corresponds to the frequency of the input signal (i.e. the signal detection unit comprises a counter). It would have been obvious to one having ordinary skill in the art to employ any known methods to analyze the frequency of the sound received, such as that of Akiho. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Alley with the teaching of Akiho to utilize a frequency counter to analyze the frequency of the sound received.

20. Claim 12 is essentially similar to Claim 2 and is rejected for the reasons stated above apropos to Claim 2.

21. Claims 4-5 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 20040076302 to Christoph.

22. Regarding Claim 4, Christoph discloses a control unit (i.e. the control processing unit) (page 2, paragraph 0025; page 4; paragraphs 0052-0053), but does not expressly disclose the control processing unit is a microprocessor or a central processing unit.

However it is well-known in the art that the control unit of Christoph can be implement on a DSP board or a microprocessor.

23. Regarding Claim 5, Christoph discloses the music (page 1, paragraph 0002), but only generally. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize any music such as music comprising at least one opus.

Art Unit: 2644

24. Claim 14 is essentially similar to Claim 4 and is rejected for the reasons stated above apropos to Claim 4.

25. Claim 15 is essentially similar to Claim 5 and is rejected for the reasons stated above apropos to Claim 5.

Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P. Chau whose telephone number is (571)272-7514. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Sinh can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 13, 2005


XU MEI
PRIMARY EXAMINER